



SENATE JOINT RESOLUTION No. 1

DIGEST OF INTRODUCED RESOLUTION

Citations Affected: Article 7 of the Constitution of the State of Indiana.

Synopsis: Selection of justices and appellate court judges. Renames the judicial nominating commission as the commission on judicial nominations and qualifications. Provides that one commission member is selected by attorneys licensed in Indiana, one commission member is appointed by the speaker of the house of representatives, and one commission member is appointed by the president pro tem of the senate. Requires at least one commission member appointed by the governor to be an attorney. Prohibits a person who is a lobbyist from serving on the commission. Restates provisions concerning impeachment proceedings for a justice or judge. This proposed amendment has not been previously agreed to by a general assembly.

Effective: This proposed amendment must be agreed to by two consecutive general assemblies and ratified by a majority of the state's voters voting on the question to be effective.

Young R Michael

January 9, 2006, read first time and referred to Committee on Judiciary.

C
o
p
y



Introduced

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular General Assembly.

C
o
p
y

SENATE JOINT RESOLUTION No. 1

A JOINT RESOLUTION proposing an amendment to Article 7 of the Constitution of the State of Indiana concerning courts and court officers.

Be it resolved by the General Assembly of the State of Indiana:

1 SECTION 1. The following amendment to the Constitution of the
2 State of Indiana is proposed and agreed to by this, the One Hundred
3 Fourteenth General Assembly of the State of Indiana, and is referred to
4 the next General Assembly for reconsideration and agreement.

5 SECTION 2. ARTICLE 7, SECTION 3 OF THE CONSTITUTION
6 OF THE STATE OF INDIANA IS AMENDED TO READ AS
7 FOLLOWS: Section 3. ~~Chief Justice.~~ **(a) The Commission on Judicial**
8 **Nominations and Qualifications shall select** the Chief Justice of the
9 State ~~shall be selected by the judicial nominating commission~~ from the
10 members of the Supreme Court. ~~and he shall retain~~

11 **(b) The Chief Justice may hold** that office for a period of five (5)
12 years, subject to reappointment in the same manner. ~~except that a~~
13 ~~member of the Court~~ **The Chief Justice** may resign the office of Chief

2006

SJ 1—SJ 9616/DI 75+



Justice without resigning from the Court.

(c) During a vacancy in the office of Chief Justice caused by absence, illness, incapacity, or resignation all powers and duties of ~~that~~ **the office shall** devolve upon the member of the Supreme Court who is senior in length of service and if equal in length of service the determination shall be by lot until such time as the cause of the vacancy is terminated or the vacancy is filled.

(d) The Chief Justice ~~of the State~~ shall appoint such persons as the General Assembly by law may provide for the administration of ~~his~~ **the Chief Justice's** office.

(e) The Chief Justice shall have prepared and submit to the General Assembly regular reports on the condition of the courts and such other reports as may be requested **by the General Assembly.**

SECTION 3. ARTICLE 7, SECTION 9 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 9. ~~Judicial Nominating Commission.~~ (a) There shall be ~~one judicial nominating commission for the Supreme Court and Court of Appeals. This commission shall, in addition, be the a Commission on Judicial Nominations and Qualifications. for the Supreme Court and Court of Appeals.~~

(b) The ~~judicial nominating Commission shall consist~~ **consists of the following seven (7) members: a majority of whom shall form a quorum; one of whom shall be**

(1) The Chief Justice of the State or a Justice of the Supreme Court ~~whom he may designate; designated by the Chief Justice,~~ who shall act as ~~chairman. Those the Commission's chair.~~

(2) ~~One (1) individual~~ admitted to the practice of law ~~shall elect three of their number to serve as members of said commission. All elections shall be in such manner as the General Assembly may provide. in Indiana elected by those admitted to the practice of law in Indiana.~~

(3) ~~Three (3) citizens of Indiana appointed by the Governor. shall appoint to the commission three eitizens; not~~ **At least one (1) of the citizens appointed by the Governor may be admitted to the practice of law. The terms of office and compensation for members of a judicial nominating commission shall be fixed by the General Assembly. No**

(4) **One (1) citizen of Indiana appointed by the President Pro Tempore of the Senate.**

(5) **One (1) citizen of Indiana appointed by the Speaker of the House of Representatives.**

(c) A member of a ~~judicial nominating the~~ Commission other than

C
o
p
y



the Chief Justice or ~~his~~ **the Chief Justice's** designee ~~shall may not~~
hold any other salaried public office. ~~No A Commission member shall~~
~~hold an office in a political party or organization. No may not:~~

(1) hold an office in a political party or organization; or

(2) be an individual who is a lobbyist (as defined by law). A

Commission member of the judicial nominating commission
~~shall be~~ **is not** eligible for appointment to a judicial office ~~so long~~
~~as he while the individual~~ is a member of the Commission and
for a period of three **(3)** years ~~thereafter. after the individual~~
leaves the Commission.

(d) The General Assembly shall provide by law for the
following:

(1) The term of office of Commission members.

(2) The compensation of Commission members.

(3) The manner of election of the elected Commission
member.

(e) Four (4) Commission members constitute a quorum of the
Commission. The affirmative vote of at least four (4) members is
necessary for the Commission to take action.

SECTION 4. ARTICLE 7, SECTION 10 OF THE CONSTITUTION
OF THE STATE OF INDIANA IS AMENDED TO READ AS
FOLLOWS: Section 10. ~~Selection of Justices of the Supreme Court and~~
~~Judges of the Court of Appeals. (a) The Governor shall fill a vacancy~~
in a judicial office in the Supreme Court or Court of Appeals, ~~shall be~~
~~filled by the Governor;~~ without regard to political affiliation, by
appointing an individual from a list of three **(3)** nominees presented
to him recommended by the judicial nominating Commission on
Judicial Nominations and Qualifications. If the Governor shall fail
to make an appointment from the list within sixty **(60)** days from the
day it is presented to him, **the Governor receives the list,** the
appointment shall be made by the Chief Justice or the acting Chief
Justice from the same list.

(b) To be eligible for nomination as a Justice of the Supreme Court
or Judge of the Court of Appeals, a person must be:

(1) domiciled within the geographic district;

(2) a citizen of the United States; and

(3) admitted to the practice of law in the courts of the State
Indiana for a period of not less than ten (10) years or must have
served as a judge of a circuit, superior, or criminal court of ~~the~~
State of Indiana for a period of not less than five (5) years.

SECTION 5. ARTICLE 7, SECTION 11 OF THE CONSTITUTION
OF THE STATE OF INDIANA IS AMENDED TO READ AS

C
o
p
y



FOLLOWS: Section 11. ~~Tenure of Justices of Supreme Court and Judges of the Court of Appeals.~~ (a) A Justice of the Supreme Court or Judge of the Court of Appeals: ~~shall~~

(1) ~~may~~ serve until the next general election following the expiration of two (2) years from the date of appointment; and

(2) ~~if retained in office at the general election described in subdivision (1), may continue to serve for terms of ten (10) years,~~ subject to approval or rejection by the electorate. ~~shall continue to serve for terms of ten years; so long as he retains his office.~~

In the case of a justice of the Supreme Court, the electorate of the entire state shall vote on the question of approval or rejection. In the case of judges of the Court of Appeals the electorate of the geographic district in which ~~he~~ **the Judge** serves shall vote on the question of approval or rejection. ~~Every such~~

(b) **A Justice or Judge may be removed from office under any of the following:**

(1) **This section.**

(2) **Article 6, Section 7.**

(3) **Article 6, Section 8.**

(c) ~~A Justice and or Judge shall retire at the age specified by statute in effect at the commencement of his the Justice's or Judge's current term. Every such~~

(d) **A Justice or Judge is disqualified from acting as a judicial officer, without loss of salary, while there is pending:**

(1) **an indictment or information charging him the Justice or Judge in any court in the United States with a crime punishable as a felony under the laws of Indiana or the United States; or**

(2) **a recommendation to the Supreme Court by the Commission on Judicial Nominations and Qualifications for his the Justice's or Judge's removal or retirement.**

(e) **On recommendation of the Commission on Judicial Nominations and Qualifications or on its own motion, the Supreme Court may suspend such a Justice or Judge from office without salary when in any court in the United States he the Justice or Judge:**

(1) **pleads guilty or to;**

(2) **pleads no contest to; or**

(3) **is found guilty of;**

a crime punishable as a felony under the laws of Indiana or the United States, or of any other crime that involves moral turpitude under that law. If his the Justice's or Judge's conviction is reversed, the suspension terminates, and he the Justice or Judge shall be paid his

C
o
p
y



1 **the Justice's or Judge's** salary for the period of suspension. If ~~he the~~
 2 **Justice or Judge** is suspended and ~~his the~~ conviction becomes final,
 3 the Supreme Court shall remove ~~him the Justice or Judge~~ from office.

4 **(f)** On recommendation of the Commission on Judicial
 5 **Nominations and Qualifications** the Supreme Court may:

6 (1) retire ~~such a~~ Justice or Judge for disability that seriously
 7 interferes with the performance of ~~his~~ **judicial** duties and is or is
 8 likely to become permanent; and

9 (2) censure or remove ~~such the~~ Justice or Judge for action
 10 occurring not more than six **(6)** years ~~prior to before~~ the
 11 commencement of ~~his the Justice's or Judge's~~ current term,
 12 when such action constitutes:

13 **(A)** willful misconduct in office;

14 **(B)** willful and persistent failure to perform ~~his~~ **judicial** duties;

15 **(C)** habitual intemperance; or

16 **(D)** conduct prejudicial to the administration of justice that
 17 brings the judicial office into disrepute.

18 **(g)** A Justice or Judge ~~so~~ retired by the Supreme Court shall be
 19 considered to have retired voluntarily. A Justice or Judge ~~so~~ removed
 20 by the Supreme Court is ineligible for judicial office and pending
 21 further order of the Court ~~he~~ is suspended from practicing law in ~~this~~
 22 **State: Indiana.**

23 **(h)** Upon receipt by the Supreme Court of any such
 24 recommendation, the Court shall:

25 **(1)** hold a hearing, at which ~~such the~~ Justice or Judge is entitled
 26 to be present; and

27 **(2)** make ~~such any~~ determinations ~~as shall be required: No the~~
 28 **Court considers necessary.**

29 A Justice ~~shall may not~~ participate in the determination of ~~such a~~
 30 hearing when it concerns ~~himself: the Justice's own case.~~

31 **(i)** The Supreme Court shall make rules implementing this section
 32 and provide for convening of hearings. Hearings and proceedings shall
 33 be public upon request of the Justice or Judge whom it concerns.

34 ~~No such~~ **(j)** A Justice or Judge ~~shall, may not~~ during ~~his the~~
 35 **Justice's or Judge's** term of office **do any of the following:**

36 **(1)** Engage in the practice of law.

37 **(2)** Run for elective office other than a judicial office.

38 **(3)** Directly or indirectly make any contribution to, or hold any
 39 office in, a political party or organization. ~~or~~

40 **(4)** Take part in any political campaign.

C
o
p
y

